

No. 14/13/87-61, ab./114.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s R. P. Hydero Oil Mill Ltd., Ramrai, District Jind *versus* Daya Nand Sharma.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 223 of 1994

between

SHRI DAYA NAND SHARMA, S/O SHRI CHATTAR SINGH SHARMA,
M/S R. P. HYDERO OIL MILLS, RAMRAI, DISTRICT JIND, WORKMAN

and

THE MANAGEMENT OF M/S R. P. HYDERO OIL MILL LTD., RAMRAI,
DISTRICT JIND

Present :

Shri M. C. Bhardwaj, authorised representative for the management.

None, for the management (*ex parte*).

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication,—*vide* Labour Department, Endst. No. OV/Bhiwani/10-92/9879—84, dated 21st February, 1992 :—

Whether the termination of services of Shri Dayanand is justified and in order ? If not, to what relief he is entitled ?

2. The workman and the management were summoned. The workman appeared and filed the claim statement that he was appointed in March, 1989 and worked upto 11th July, 1991 with the respondent/Management without any complaint but the respondent/management without giving him any notice paying notice pay or retrenchment compensation, terminated his services on the complaint filed by Tiraj Raj and Raj Tandon which was false complaint of theft and this claim statement was filed.

3. The management appeared and filed the written statement that the applicant was temporary employed. He was caught red handed while taking away empty bags while leaving the factory without permission during the intervening night of 10th and 11th July, 1991. The applicant had hardly put in about 3½ months service. The police case was not got registered at the behest of and as per request of the applicant, which he made while submitting the theft. The claim statement is thus liable to be dismissed.

4. Replication was filed by the workman. On the pleadings of the parties, the following issues were framed :—

- (1) As per terms of reference ?
- (2) Whether the petitioner was guilty of theft and was caught red handed ? If so to what effect ?
- (3) Relief ?

5. My findings on the above issues with reasons thereof are as under :—

Issue No. 2 :

6. This issue is being taken up firstly because the issue No. 1 can be decided on the findings recorded on issue No. 1-A in the first hand.

7. The workman had appeared in the witness box as WW-1 and the learned authorised representative for the management Mr. S. Kaushal wanted a date for cross-examination on 4th November, 1991 and thereafter the application was filed by the management. Reply was filed by the workman. Amended written statement was filed by the management and after that following additional issue was framed :—

1-A. Whether the factory has been closed since 28th October, 1992 ? If so, to what effect ?

8. The management never appeared when the case was received in this Court after summoning of the respondent through ordinary and registered post but the management did not appear and hence proceeded against the *ex parte*.

Issue No. 1-A :

9. The workman has come into witness box as WW-1 again on 23rd December, 1994 as because the amended written statement has been filed, the issue framed the said issue is issue No. 1-A.

10. The workman made the statement that he was appointed as Helper on 1st March, 1989 on the pay of Rs. 500 P. M. and was removed from the job on 11th July, 1991 without any notice and notice pay thereafter the evidence was closed by the authorised representative for the workman. The statement of workman it is proved that as he have worked for more than 240 days in 12 calendar months and his retrenchment has taken place not according to Section 25-F of the Industrial Dispute Act. Therefore, I have no hesitation in holding that termination is taken place unduly.

11. The question is whether petitioner was guilty of theft or not. Since there is no evidence at all by the management, the workman was guilty of theft and as such I decide this issue against the management.

Issue No. 2 :

12. There is no evidence at all by the management the factory is closed and I decide this issue against the management.

Issue No. 1 :

13. In view of my findings on my issue Nos. 1-A and 2, I held that reference petition is maintainable and I accept the claim-statement of the workman.

Issue No. 3 (Relief) :

14. In view of my findings on the above issues I accept the claim-statement of the workman and I direct the respondent to reinstate him with continuity of service but with 50% (FIFTY) of back wages. The reference is answered and returned accordingly. The parties are left to bear their own costs.

The 23rd December, 1994.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. ref. 223-94/4000, the 23rd December, 1994.

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87-6 Lab./121.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Har Kalyan Packages Area, Mirthal Sonepat versus Suraj Mal.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 287 of 1989

between

SHRI SURAJ MAL, S/O SHRI KANWAL SINGH, VILLAGE NAYA BASS, TEHSIL.
GANAU, DISTRICT SONEPAT, WORKMAN

and

THE MANAGEMENT OF M/S HAR KALYAN PACKAGES, PLOT NO. 18,
INDUSTRIAL AREA, MURTHAL, SONEPAT.

Present :

None for the parties.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for the adjudication,—*vide* Labour Department Endorsement No. SOV/Soni/53-89/25815-20, dated 17th June, 1989 :—

Whether the services of Shri Suraj Mal have been terminated or he has left the services himself by remaining absent ? To what relief is he entitled after decision on this point ?

2. The case was called several times, but no one present on behalf of the parties, hence the reference is dismissed in default, the reference is answered and returned accordingly, with no orders as to costs.

The 3rd January, 1995.

P. L. KHANDUJA,
Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. ref. 287-89/46, dated 13th January, 1995.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,
Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87-6Lab./122.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Weld Wood (P) Ltd., Bahadurgarh, Jakheda (Rohtak) *versus* Paire Ram.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 115 of 1994

between

SHRI PAIRE RAM, S/O SHRI SULTAN SINGH C/O SHRI R. S. YADAV, PRESIDENT, BHARTIYA MAZDOOR SANGH, RAILWAY ROAD, KATH MANDI, BAHADUGARH, WORKMAN

and

THE MANAGEMENT OF M/S WELD WOOD (P) LTD., 38/4, K. M. BAHADURGARH, JAKHEDA (ROHTAK).

Present :

None for the parties.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, has referred the following dispute, between the parties, named above, to this Court for adjudication,—*vide* Labour Department Endst. No. ID/24017—22 dated 22nd June, 1994 :—

Whether the termination of services of Shri Paire Ram is justified and in order ? If not, to what relief is he entitled ?

2. The case was called several times, but no one is present on behalf of the parties. Hence the reference is dismissed in default. The reference is answered and returned accordingly, with no orders as to costs.

The 2th January, 1995.

P. L. KHANDUJA,

Presiding Officer,

Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. ref. 115-94/45, dated 13th January, 1995.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,

Industrial Tribunal/Labour Court,
Rohtak.

The 13th January, 1995

No. 14/13/87-6 Lab./125.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s G. M. Haryana Roadways, Rohtak versus Satbir Singh, Driver.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK

Reference No. 107 of 1994

between

SHRI SATBIR SINGH, DRIVER NO. 132, HARYANA ROADWAYS, ROHTAK,
WORKMAN

and

THE MANAGEMENT OF M/S GENERAL MANAGER, HARYANA ROADWAYS,
ROHTAK

Present :

None for the parties.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication,—*vide* Labour Department Endorsement No. ID/79-94/23823-28, dated 22nd June, 1994 :—

Whether the termination of service of Shri Satbir Singh, is justified and in order ? If not to what relief he is entitled ?

2. The case was called several times, but no one present on behalf of the parties. Hence the reference is dismissed in default, the reference is answered and returned accordingly, with no orders as to costs.

The 5th January, 1995.

P. L. KHANDUJA,

Presiding Officer,

Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. ref. 107-94/40, dated 13th January, 1995.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,

Industrial Tribunal/Labour Court,
Rohtak.

The 6th January, 1995

No. 14/13/87-6Lab./169.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Chemic Plastic Corporation, Faridabad *versus* Shri Balbir Singh.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II,
FARIDABAD.

Ref. No. 696/93

between

THE MANAGEMENT OF M/S CHAMIC PLASTIC CORPORATION, 19/7, MATHURA
ROAD, FARIDABAD

versus

THE WORKMAN NAMELY, SHRI BALBIR SINGH C/O SHRI BALBIR SINGH, 50
NEELAM CHOWK, FARIDABAD

Present :

Shri Balbir Singh, for the workman.

Shri Satish Ahuja, proxy for Shri R. C. Sharma, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this court for adjudication.—*vide* Haryana Government Endst. No. 29856-61, dated 13th August, 1993 :—

Whether the termination of services of Shri Balbir Singh, is legal and justified ? If not, to what relief is he entitled to ?

2. Both the parties were summoned and they appeared.

3. The matter has been settled by the parties amicably. The workman has been paid a sum of Rs. 4,759/- by the management as full and final settlement of his claim including his right to his reinstatement into service. The matter referred for adjudication does not survive. The award is passed accordingly.

Dated the 3rd January, 1995.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

Endst. No. 111, dated 17th January, 1995.

A copy, with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government of Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

The 6th January, 1995

No. 14/13/87-6Lab./ 167.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Precision Tools and knife, Ballabgarh *versus* Shri Jai Narain.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD

Reference No. 640/93

between

THE MANAGEMENT OF M/S PRECISION TOOLS AND KNIFE, TIGAON ROAD, BALLABGARH

versus

THE WORKMAN NAMELY, SHRI JAI NARAIN, HOUSE NO. 1515, PUNJABI COLONY, GURUDAWARA ROAD, FARIDABAD

Present :

Workman in person.

Shri O. P. Ahuja, for the Management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (here-in-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this court for adjudication.—*vide* Haryana Government Endst. No. 24198—203, dated the 7th July, 1993 :—

Whether the termination of services of Shri Jai Narain is legal and justified ? If not, to what relief is he entitled to ?

2. Both the parties were summoned and they appeared. On the pleading of the parties, issues were framed.

3. At the aforesaid stage, the parties have settled the dispute amicably. The workman has been paid a sum of Rs. 2,000. He has relinquished his right for his reinstatement. In the circumstances the dispute referred for adjudication does not survive. The award is passed accordingly.

Dated the 4th January, 1994.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

Endst. No. 112, dated the 17th January, 1995.

A copy with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government of Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.